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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

THIS FILING RELATES TO:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR

Honorable Yvonne Gonzalez Rogers

**TIKTOK DEFENDANTS'
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

Pursuant to Civil Local Rule 3-12, Defendants TikTok Inc., TikTok LLC, TikTok Ltd., ByteDance Inc., and ByteDance Ltd. (“TikTok Defendants”) submit this Administrative Motion to Consider Whether Cases Should be Related (the “Motion”). The Motion seeks to relate the above-captioned case (the “MDL”) with *The People of the State of California v. TikTok Inc.*, Case No. 5:24-cv-7942 (the “California Attorney General Action”), which was removed to this District from the Superior Court of California, County of Santa Clara, on November 13, 2024. The redacted Complaint in the California Attorney General Action that was attached to the Notice of Removal is attached as Exhibit A. TikTok Defendants contacted Plaintiff’s counsel in the California Attorney General Action and they declined to stipulate to this motion. TikTok Defendants also contacted Plaintiffs’ liaison counsel in the MDL, and the MDL Plaintiffs took no position on this Motion.

Under Local Rule 3-12(a), one case is related to another case so long as two requirements are met: (1) both cases “concern substantially the same parties, property, transaction, or event,” and (2) it “appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Civ. L.R. 3-12(a). Both requirements are met here.

First, while TikTok Defendants vigorously dispute the allegations in both the MDL and California Attorney General Action, both cases “concern substantially the same parties, property, transaction, or event.” Civ. L.R. 3-12(a)(1). TikTok Ltd., TikTok Inc., TikTok LLC, ByteDance Ltd., and ByteDance Inc. are defendants in the MDL. MDL Compl. ¶ 42. All five entities are defendants in the California Attorney General Action, and that action names two additional entities as defendants: TikTok U.S. Data Security, Inc. and TikTok Pte. Ltd. Ex. A ¶¶ 9-16. Both cases allege that defendants are liable because entertainment platforms, including the TikTok platform, were designed to maximize screen time, which can encourage addictive behavior in adolescents. *Compare, e.g.,* Pls.’ Second Amended Master Compl. (Personal Injury), *In re: Social Media Adolescent Addiction/Personal Injury Prods. Liab. Litig.*, Case No. 4:22-MD-03047, CM/ECF No. 494 (N.D. Cal., Dec. 15, 2023) (“MDL Compl.”) ¶ 583 (“ByteDance has designed and coded TikTok with features that foster addictive and compulsive use by youth”),

1 with Ex. A ¶ 69 (“TikTok designs and deploys exploitative and manipulative features to addict
 2 young users and maximize their time on its platform.”). Specifically, both cases allege that the
 3 TikTok platform was designed to attract and addict youth users and to encourage compulsive use
 4 to the detriment of youths’ mental and physical health. *Compare, e.g.*, MDL Compl. ¶ 583, with
 5 Ex. A ¶ 153. Both cases allege that the safety of the platform for youth, as well as the efficacy of
 6 the platform’s parental control features, were misrepresented to the public. *Compare, e.g.*, MDL
 7 Compl. ¶ 682, with Ex. A ¶ 182. Both cases allege that children under the age of 13 could
 8 circumvent the platform’s “age gate,” that the platform collects and uses the data of users under
 9 the age of 13 without obtaining verifiable parental consent, and that it was known that children
 10 under 13 years were accessing the platform outside of “Kids Mode.” *Compare, e.g.*, MDL Compl.
 11 ¶¶ 59, 575, 601, with Ex. A. ¶¶ 298-307. Moreover, both cases allege violations of the federal
 12 Children’s Online Privacy Protection Rule (“COPPA”), 15 U.S.C. § 6501 *et seq.*, and its
 13 implementing regulations. *Compare, e.g.*, MDL Compl. ¶ 1010, with Ex. A. ¶¶ 62, 284, 308,
 14 315-16, 323-24. For example, both cases assert that the TikTok platform’s alleged “COPPA
 15 violations fueled TikTok’s growth and immense popularity because the lack of effective age
 16 verification made it easier for children under 13 to sign up and consume content.” Ex. A ¶ 62;
 17 *see also* MDL Compl. ¶ 566 (“TikTok’s growth among young Americans has been further
 18 enabled by its defective age verification and parental control procedures, which allow children
 19 under 13 unfettered access to the app.”). And both cases allege that “TikTok fails to satisfy its
 20 statutory and regulatory obligations” under COPPA. Ex. A. ¶ 284; *see also* MDL Compl. ¶¶
 21 1014-15.

22 *Second*, and for substantially the same reasons, litigating the MDL and California
 23 Attorney General Action separately would be “an unduly burdensome duplication of labor and
 24 expense” and risks “conflicting results” on these legal and factual issues. Civ. L.R. 3-12(a)(2).
 25 As just explained, both cases call for a determination of the same, substantially related, or
 26 overlapping issues of law and fact—including issues that this Court has ruled on or are fully
 27 briefed, such as the application of Section 230 of the Communications Decency Act, the First
 28 Amendment, and the viability of state consumer-protection claims based on these allegations.

1 Accordingly, TikTok Defendants request that the Court grant this Motion, rule that the
 2 MDL and the California Attorney General Action are related cases, direct the Clerk to reassign
 3 the Attorney General Action to this Court, and add the case to the MDL.

4 The California Attorney General Action is currently assigned to Magistrate Judge Virginia
 5 K. DeMarchi. Pursuant to Local Rule 3-12(b), Defendants served by mail a copy of this Motion
 6 on Plaintiff's counsel in the California Attorney General Action, which will also receive
 7 electronic service of this Motion by ECF as a party to the MDL and will lodge a courtesy copy of
 8 the Motion with Judge DeMarchi.

9
 10 Dated: November 14, 2024

Respectfully submitted,

11 **KING & SPALDING LLP**

12 /s/ Geoffrey M. Drake

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PROOF OF SERVICE

I, the undersigned, declare: I am employed in the County of Fulton, State of Georgia. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1180 Peachtree Street NE, Suite 1600, Atlanta, Georgia 30309.

On **November 14, 2024**, I served a copy of the within document(s):

TIKTOK DEFENDANTS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED.

XX BY U.S. POSTAL SERVICE WITH POSTAGE FULLY PREPAID IN THE ORDINARY COURSE OF BUSINESS: at the address(es) set forth below.

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XX BY ELECTRONIC SERVICE VIA EMAIL: by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 14, 2024, at Atlanta, Georgia.

/s/ Genêt B. Hogan
Genêt B. Hogan